

09/769,199

MS163086.01/MSFTP167US

REMARKS

Claims 1-40, 42, and 44-46 are currently pending in the subject application and are presently under consideration. Claims 3, 15, 19, 20, and 45 have been cancelled herein. Limitations of allowable base claims have been included into independent claims 3 and 13.

Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 31 Under 35 U.S.C. §112

Claim 31 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 31 has been amended to remove indefinite language therefrom. Accordingly, it is respectfully requested that this rejection be withdrawn.

II. Rejection of Claim 45 Under 35 U.S.C. §101

Claim 45 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This claim has been cancelled herein – accordingly, this rejection should be withdrawn.

III. Rejection of Claims 1, 2, 12, 31-38, 44, 45, and 46 Under 35 U.S.C. §102(e)

Claims 1, 2, 12, 31-38, 44, 45, and 46 stand rejected under 35 U.S.C. §102(e) as being anticipated by Grieco, *et al.* (US 6,598,183). It is respectfully requested that this rejection be withdrawn for at least the following reasons. As stated above, claim 45 has been cancelled herein. Independent claims 1 and 31 (which include substantially similar language) have been amended to include limitations of allowable claim 3. While the language of such claims is substantially similar, as noted in previous correspondence, claim 1 and claim 31 are distinguishable on the grounds that claim 1 is a system claim, and claim 31 is a “means for” claim that falls within the ambit of 35 U.S.C. §112¶6. Claims 32 and 46 (and all claims dependent therefrom) have been amended to depend upon claim 1, which is believed to be in condition for allowance. Claim 44 has been amended to depend from allowed claim 39. Therefore, the rejection of claims 1, 31, 32,

09/769,199

MS163086.01/MSFTP167US

44, and 46 (and claims 2, 12, and 32-38 which respectfully depend therefrom) should be withdrawn.

IV. Rejection of Claims 13-19 and 21-30 Under 35 U.S.C. §102(e)

Claims 13-19 and 21-30 stand rejected under 35 U.S.C. §102(e) as being anticipated by Worley, *et al.* (US 6,651,190). This rejection should be withdrawn for at least the following reasons. Claims 15 and 19 have been cancelled herein. Claim 13 has been amended to include limitations of objected-to claim 20 and all intervening claims (cancelled claims 15 and 19) – therefore, claim 13 is believed to be in condition for allowance. Claims 14, 16, 17, 18, and 21-23 depend upon amended claim 13, and are therefore also believed to be in condition for allowance. Claim 24, which includes language substantially similar to that of claim 13, has been amended herein to include limitations of objected-to claim 20 (and cancelled claims 15 and 19), and claims 25-30 respectfully depend therefrom. Due to substantial similarity of language of claims 13 and 24, it is respectfully submitted that the amendment to claim 24 does not necessitate further search. Accordingly, this rejection should be withdrawn.

09/769,199

MS163086.01/MSFTP167US

CONCLUSION

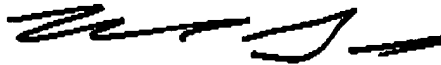
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731